

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF CELCO PARTNERSHIP
D/B/A VERIZON WIRELESS,

Related to

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS,
AND PUBLISHERS,
Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/28/09

09 CIV. 7074 (DLC)

~~PROPOSED~~ PRETRIAL
SCHEDULING ORDER

41 CIV. 1395 (DLC)

DENISE COTE, District Judge:

As set forth at the pretrial conference held on August 18, 2009, and in the parties' correspondence of August 26, 2009, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. All third party fact discovery must be completed by **September 30, 2009.**
2. All fact discovery must be completed by **October 30, 2009**, provided that the parties shall serve no additional party or non-party discovery requests, deposition notices or subpoenas, including subpoenas duces tecum, except that the parties may pursue discovery already served and may notice additional party depositions, where the party seeking the additional deposition first learns of the relevance or importance of such witnesses or subject matter as a result of depositions not yet taken, discovery responses recently or not yet provided, or documents recently or not yet provided, or for good cause shown.
3. The Parties must identify their experts by **October 30, 2009.**
4. Parties' disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed.R.Civ.P., must occur

by **December 1, 2009**. Disclosure of rebuttal expert testimony must occur by **January 5, 2010**.

5. All expert discovery must be completed by **February 4, 2010**.
6. The Joint Pretrial Order must be filed by **March 12, 2010**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive memorandum of law is due one week thereafter.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits and served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with two (2) courtesy copies of all these documents at the time they are served, as well as one set of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labelled with the exhibit numbers and placed in a suitable container or box for ready reference.

Dated: New York, New York
August 28, 2009



DENISE COTE
United States District Judge